

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following:

Claims: 14-23 and 25-26 have not been amended.

Claims: 1-13 & 24 have been cancelled.

Response to Arguments

2. Applicant's arguments filed 04/05/11 have been fully considered but they are not persuasive.

The applicant argues features wherein a method and system for controlling and evaluating message traffic of a communication unit, which comprises the steps of: transmitting all messages of the message traffic via a first network unit within a mobile radio system, the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages transmitted from the communication unit are to be forwarded to a second network unit for further processing or are to be blocked; determining via the first network unit with the aid of at least one item of the useful information assigned communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit; assigning a specific set of the useful information in each case to a user identity with the specific set of the useful information being used to control and evaluate

at least one message transmitted from the communication unit or the message traffic of the communication unit to be logged; and allocating the user identity to an application of the communication unit.

3. Before addressing the applicant's arguments, the examiner would like to clarify the position taken with respect to the applied art:

Wang (US Patent Publication 2004/0203589) discloses a method and system for controlling messages in a communication network wherein Wang discloses processing the messages based on the identity of the sender and the receiver specified criteria wherein a message is designated as rejected, trusted or untrusted by applying the criteria and category indicator to the identity of the sender of the message and disposing of a rejected message, annotating an accepted message as trusted or untrusted and forwarding the accepted message for delivery to the receiver. Wang discloses having a message control system (MCS) receiving all the messages and processing the messages depending on whether to forward the message to the message server where the recipient can then receive the message or block and reject the message depending on the criteria and category indicator applied, wherein the criteria includes a whitelist signifying that the sender is trusted and the message is to be processed and forwarded to the message server or a blacklist signifying that the message is from an unwanted sender and the message is to be rejected and blocked and to be sent to a message receptacle wherein post processing is done such as

logging, pattern analysis, etc. on the rejected message and wherein when the MCS receives a message, the MCS decides if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list of both the network operator or the receiver and wherein Wang discloses the receiver using a message client application executing on the terminal 228 which is a cellular phone in order to view the processed message. In addition, Wang continues to disclose that each criterion such as whitelist/blacklist is subscriber/receiver specific wherein the subscriber/receiver is able to modify the list accordingly.

With regards to the applicant's arguments that Wang fails to disclose the claimed limitations because one communication unit can have several user identities assigned to it and thus one user identity is in each case assigned expediently to one application and logging is performed in an application basis and Wang does not disclose logging individual applications of one and the same transmitting unit, the examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "multiple user identities assigned to one communication unit and each identity assigned to one application and logging each individual applications of one and the same transmitting unit") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicants argued features of having "multiple user identities assigned to one

communication unit and each identity assigned to one application and logging each individual applications of one and the same transmitting unit" are not present in the claim limitations, the claim limitations as written only discloses "determining via the first network unit with the aid of at least one item of the useful information assigned communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit; assigning a specific set of the useful information in each case to a user identity with the specific set of the useful information being used to control and evaluate at least one message transmitted from the communication unit or the message traffic of the communication unit to be logged; and allocating the user identity to an application of the communication unit." Therefore, the prior art reference needs to only show one application of the communication unit being allocated a user identity and logging the messages for the application unit having said user identity. Wang discloses such a feature by disclosing having a message control system (MCS) receiving all the messages and processing the messages depending on whether to forward the message to the message server where the recipient can then receive and view the message or block and reject the message depending on the criteria and category indicator applied, wherein the criteria includes a whitelist signifying that the sender is trusted and the message to be forwarded to the message server or a blacklist signifying that the message is from an unwanted sender and the message is to be rejected and blocked wherein post processing is done such as logging, pattern analysis, etc. on the rejected message and wherein when the MCS receives a message, the MCS decides if the message received should be passed on as a processed message or

passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list of both the network operator or the receiver and wherein Wang discloses the receiver using a message client application executing on the terminal 228 which is a cellular phone in order to view the processed message. Therefore the receiver of the message using terminal 228 which is a cellular phone uses an application in order to view the message, that messaging application is allocated the user identity of the receiver needed to send messages to the receiver and that receiver has a filtering criteria on its identity wherein only the trusted senders are processed and the blacklisted senders are rejected and blocked to be sent to a message receptacle where post processing such as logging is performed and is therefore saved in a logfile.

4. Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references, as follows:

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 14-18, 20, 22-23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang).

Regarding claim 14, Wang discloses:

The applicant claims "A method for controlling and evaluating message traffic of a communication unit" (Fig. 1 & Paragraph [0007] of Wang).

The applicant claims "which comprises the steps of: transmitting all messages of the message traffic via a first network unit within a mobile radio system" (Fig. 1 & Paragraph [0015] of Wang, wherein Wang discloses a message control system (MCS) receiving and processing messages).

The applicant claims "the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages transmitted from the communication unit are to be forwarded to a second network unit for further processing, or are to be blocked; determining, via the first network unit with the aid of at least one item of the useful information assigned to the communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit" (Fig. 3 & Paragraphs [0026]-[0028], [0032] & [0019] of Wang, wherein Wang discloses the MCS deciding if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list of both the network operator or the receiver and wherein Wang discloses

sending the rejected message to a message receptacle post processing such as logging, pattern analysis, etc. therefore logging in a logfile and wherein the subscriber/list owner is able to add/modify/delete the identifiers within the lists, therefore the authentication certificate assigned to the transmitting communication unit are determined and compared with the white list and the black list in order to filter the message whether to forward the message for processing or block and reject the message and send the rejected message to perform post processing such as logging and pattern analysis).

The applicant claims "assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message transmitted from the communication unit or the message traffic of the communication unit to be logged; and allocating the user identity to an application of the communication unit" (Fig. 1 & Fig. 3 & Paragraphs [0026]-[0028], [0032]-[0034] & [0019] of Wang, wherein Wang discloses having a whitelist and blacklist associated to a subscriber wherein the subscriber can add/delete/modify the subscriber lists and wherein the MCS uses the subscriber list to determine whether to process or reject the message and perform post processing such as logging and pattern analysis based on where the authentication certificate (AC) of the transmitting communication unit belongs in the subscriber list and wherein Wang discloses the receiver using a message client application executing on the terminal 228 which is a cellular phone in order to view the processed message).

Regarding claim 15, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises calling up the at least one item of the useful information that determines the controlling and evaluation of the at least one message of the message traffic of the communication unit from a database" (Fig. 3 & Paragraphs [0026]-[0028] of Wang, wherein Wang discloses the MCS determining the processing/rejection based on the white/black list which are taken from a white/black list repository, therefore a database).

Regarding claim 16, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises inserting at least one filter instruction into the at least one item of the useful information and selecting the filter instruction from the group consisting of: one or more positive destination addresses that are addressable for the communication unit; one or more negative destination addresses that are not addressable for the communication unit; and one or more destination addresses that are to be logged by the first network unit" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang).

Regarding claim 17, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises identifying the messages of the traffic message to be logged with an acquisition identity" (Paragraph [0032] of Wang, wherein Wang discloses forwarding the message to a message receptacle for post processing such as logging and pattern analysis).

Regarding claim 18, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises forwarding the logfile via the first network unit using a logging message to an evaluation

unit for evaluation" (Paragraph [0032] of Wang, wherein Wang discloses forwarding the message to a message receptacle for post processing such as logging and pattern analysis).

Regarding claim 20, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises: authorizing the communication unit to exchange messages; and using at least one key pair to provide a protected message traffic" (Paragraphs [0018]-[0022] of Wang, wherein Wang discloses using an authentication certificate (AC) that provide for secure and unique identification of the certificate holder and wherein the network generates and is issued to each subscriber of the network and for each application).

Regarding claim 22, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises forming the first network unit as a group of network elements" (Fig. 1 & 2 of Wang).

Regarding claim 23, Wang discloses:

The applicant claims "A first network unit for controlling and evaluating message traffic of a communication unit within a mobile radio system" (Fig. 1 & Paragraphs [0007] & [0015] of Wang, wherein Wang discloses a message control system (MCS)).

The applicant claims "the first network unit comprising: a receiving unit for receiving all messages of the message traffic transmitted from the communication unit; a transmitting unit for transmitting the messages of the message traffic; and a processing unit for deciding whether at least one of the messages of the message traffic

can, on a basis of at least one item of useful information of the communication unit, be forwarded to a second network unit for further processing or can be blocked, said processing unit further deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of the useful information assigned to the communication unit, be logged by the first network unit in a logfile" (Fig. 3 & Paragraphs [0026]-[0028], [0032] & [0019] of Wang, wherein Wang discloses the MCS deciding if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list of both the network operator or the receiver and wherein Wang discloses sending the rejected message to a message receptacle post processing such as logging, pattern analysis, etc. therefore logging in a logfile and wherein the subscriber/list owner is able to add/modify/delete the identifiers within the lists, therefore the authentication certificate assigned to the transmitting communication unit are determined and compared with the white list and the black list in order to filter the message whether to forward the message for processing or block and reject the message and send the rejected message to perform post processing such as logging and pattern analysis).

The applicant claims "with a specific set of the useful information being assigned to a user identity in each case, with the specific set of useful information being used to control and evaluate at least one of the messages transmitted from the communication unit or the message traffic of the communication unit to be logged, and with the user identity being allocated to an application of the communication unit" (Fig. 1 & Fig. 3 &

Paragraphs [0026]-[0028], [0032]-[0034] & [0019] of Wang, wherein Wang discloses having a whitelist and blacklist associated to a subscriber wherein the subscriber can add/delete/modify the subscriber lists and wherein the MCS uses the subscriber list to determine whether to process or reject the message and perform post processing such as logging and pattern analysis based on where the authentication certificate (AC) of the transmitting communication unit belongs in the subscriber list and wherein Wang discloses the receiver using a message client application executing on the terminal 228 which is a cellular phone in order to view the processed message).

Regarding claim 25, Wang discloses:

The applicant claims "The first network unit according to claim 23, wherein the useful information includes a destination address" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang).

Regarding claim 26, Wang discloses:

The applicant claims "The method according to claim 14, wherein the useful information includes a destination address" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang) in view of Bandini et al. (US Patent Publication 2002/0199095 herein after referenced as Bandini).

Regarding claim 19, Wang discloses:

The applicant claims "The method according to claim 18, which further comprise evaluating the messages logged in the logfile via the evaluation unit using at least one criteria" (Paragraph [0032] of Wang, wherein Wang discloses pattern analysis).

Wang fails to explicitly recite "using at least one criteria selected from the group consisting of: useful data of the message; destination address of the message; number of accesses to the destination address; data quantity; the messages that were sent with a specific user identity; the messages that were sent with a specific acquisition identity; and correlation of messages with signaling information and/or the useful data."

In a related field of endeavor, Bandini discloses:

The applicant claims " using at least one criteria selected from the group consisting of: useful data of the message; destination address of the message; number of accesses to the destination address; data quantity; the messages that were sent with a specific user identity; the messages that were sent with a specific acquisition identity; and correlation of messages with signaling information and/or the useful data" (Paragraph [0026]-[0027] of Bandini).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wang to incorporate the teachings of Bandini for the purpose of

improving the network by performing a more accurate pattern analysis and thereby presenting a more accurate and detailed information to the subscriber of the nature of the messages being sent to said subscriber.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang) in view of Patil et al. (US Patent Publication 2004/0203432 herein after referenced as Patil).

Regarding claim 21, Wang discloses "The method according to claim 14." Wang fails to explicitly recite "which further comprises using the method in an architecture in accordance with an IP multimedia subsystem with an aid of a session initiation protocol."

In a related field of endeavor, Patil discloses:

The applicant claims "which further comprises using the method in an architecture in accordance with an IP multimedia subsystem with an aid of a session initiation protocol" (Paragraph [0003] of Patil).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wang to incorporate the teachings of Patil for the purpose of improving the system marketability and versatility by providing a system that is capable of conforming to known systems and protocols.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL MAPA whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/Erika A. Gary/
Primary Examiner, Art Unit 2617